SINGLE BENCH 1

CF 402

(4)

IN THE HIGH COURT OF JUDICATURE AT CHHATTISGARH : BILASPUR

WRIT PETITION (S) NO. 1151/07 ~~/2006~~

PETITIONERS

1. Ramdas Gunendra S/o Premlal Gunendra, aged about 42 years, Govt. Adim Jati Kalyan Primary School, Dhotimtola, Block- Dondi, Durg, (C.G.)
2. Mulchand Sahu S/o Neelkanth Sahu aged about 44 years, Govt. Primary School, Latabod, Block- Balod, Durg,
3. Chagan Lal Patel S/o Shobharam Patel aged about 49 years, Govt. Primary School, Latabod, Block- Balod, Durg,
4. Vijay Kumar Thakur S/o Bisauharam aged about 42 years, Govt. Primary School, Jugera, Block- Balod, Durg,

P.R. No. 7209/06 Presented by Sh. Verma dated 21/12/06

Versus

RESPONDENTS

1) State of Chhattisgarh Through : The Secretary Department of Higher Education, D.K.S Bhawan Raipur (C.G.)
2) The Commissioner Tribal Welfare Department, Raipur (C.G.)
3) The Commissioner Publication and instruction Department, Raipur (C.G.)
4) The District Education Officer, Mahasamund, District Mahasamund (C.G.)

RECEIVED COPY 21/12/06 CLERK to A. G. BILASPUR

WRIT PETITION UNDER ARTICLES 226/~~227~~ OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT IN THE NATURE OF MANDAMUS, CERTIORARY OR ANY OTHER WRIT IN THE LIGHT NATURE

(32)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P.(S) No. 1151 of 2007

Petitioners : Ramdas Gunendra and others

Versus

Respondents : State of Chhattisgarh and others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Present: Mr. S.C. Verma, Advocate for the petitioners.

Mr. Vinay Pandey, Panel Lawyer for the State/respondents.

O R D E R

(Passed on this 28th Day of February, 2007)

1. The petitioner No. 1 was appointed on 19.12.88, the petitioner No. 2 was appointed on 1.11.89, the petitioner No. 3 was appointed on 28.6.86 and the petitioner No. 4 was appointed on 19.12.88 as Assistant Teachers on fixed pay scale of Rs. 300/-. After completion of one year probation, they were granted regular pay scale of Rs. 545-925/-.

2. Learned counsel appearing for the petitioners submits that the issue involved in the case is asto whether the petitioners are entitled to regular pay scale w.e.f. the date of initial appointment or from the date of completion of probation period.

3. The issue involved, herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No. 2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & others), wherein it was held that the similarly situated teachers are

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entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken up to the Hon'ble Supreme Court in Special Leave Petition (Civil) No. 6892/93. The said petition was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from date of initial appointment.

4. Learned counsel appearing for the parties jointly submit that this case is squarely covered by the decision of this Court in W. P. (s) No. 6102 of 2006 (Dehman Nayak S/o Harishankar and others vs. State of Chhattisgarh and others), which was allowed vide order dated 8.11.2006. They further submit that the question of law involved is also the same.

5. In view of that, this petition is allowed in the same terms. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge